

AMENDMENT TO THE CLAIMS

The following is a complete list of the pending claims.

1-9. (Cancelled)

10. (Currently amended) A method of producing a cotton plant that tolerates application of glyphosate herbicide comprising:

(a) sexually crossing a first glyphosate tolerant parent cotton plant that comprises SEQ ID NO:1, SEQ ID NO:2, and a DNA insert encoding EPSPS, event MON 88913 parent plant comprising SEQ ID NO:1 and SEQ ID NO:2 and with a second parent cotton plant that lacks the tolerance to glyphosate herbicide, thereby producing a plurality of first progeny plants; [[and]]

(b) selecting a first progeny plant that is tolerant to glyphosate; [[and]]

(c) selfing said first progeny plant, thereby producing a plurality of second progeny plants; and

(d) selecting from said second progeny plants a plant that is [[, a]] glyphosate tolerant; plant.
wherein said DNA insert has 5' and 3' junctions with the cotton genomic DNA that are comprised of SEQ ID NO:1 and SEQ ID NO:2, respectively.

11. (Original) The method of claim 10 further comprising the step of backcrossing the first progeny plant that is tolerant to glyphosate or the second progeny plant that is glyphosate tolerant to the second parent plant or a third parent plant, thereby producing a plant that tolerates the application of glyphosate.

12-15. (Cancelled)

16. (Currently amended) A cotton plant comprising a glyphosate tolerant trait conferred by a DNA insert encoding EPSPS that is genetically linked to a complement of a marker polynucleic acid, wherein said marker polynucleic acid molecule is homologous or complementary to a DNA molecule selected from the group consisting of SEQ ID NO:1

and SEQ ID NO:2, and wherein said DNA insert has 5' and 3' junctions with the cotton genomic DNA that are comprised of SEQ ID NO:1 and SEQ ID NO:2, respectively.

17-18. (Cancelled)

19. (Currently amended) A method for controlling weeds in a crop of glyphosate tolerant cotton plants according to claim 22, event MON 88913 comprising SEQ ID NO:1 and SEQ ID NO:2, comprising the step of applying an effective dose of a glyphosate-containing herbicide to said crop of cotton plants event MON 88913.
20. (Cancelled)
21. (Currently amended) A glyphosate tolerant transgenic cotton plant, cell, tissue, or [[a]] DNA-containing part thereof, for which representative seeds have seed of said cotton plant having been deposited with the American Type Culture Collection under accession number PTA-4854.
22. (Currently amended) A glyphosate tolerant cotton plant, or [[a]] DNA-containing part thereof, comprising incorporated into the plant's genome a DNA insert encoding EPSPS insert DNA encoding 5-enol pyruvylshikimate 3-phosphate synthase (EPSPS) and DNA having nucleotide sequences of SEQ ID NO:1 and SEQ ID NO:2, wherein said DNA insert has 5' and 3' junctions with the cotton genomic DNA that are comprised of SEQ ID NO:1 and SEQ ID NO:2, respectively.
23. (Currently amended) The glyphosate tolerant cotton plant, or DNA-containing part thereof, of claim 22, wherein DNA encoding EPSPS and DNA having nucleotide sequences of SEQ ID NO:3 and SEQ ID NO:4 form a part of the plant's genome, wherein the 5' and 3' junctions of said DNA insert with the cotton genomic DNA are further comprised of SEQ ID NO:3 and SEQ ID NO:4, respectively.

24. (Currently amended) The glyphosate tolerant cotton plant, or DNA-containing part thereof, of claim 22, wherein the genomic DNA of said cotton plant, or part thereof, is capable of producing at least one amplicon comprising SEQ ID NO:1 or SEQ ID NO:2 diagnostic for the DNA insert ~~cotton event MON 88913~~ using primers having the sequences of SEQ ID NO:21, SEQ ID NO:22 and SEQ ID NO:23 in a DNA amplification method.

25. (Currently amended) The glyphosate tolerant cotton plant, or DNA-containing part thereof, of claim 22, wherein said part thereof comprises pollen, ovules [[ovule]], flowers, bolls ~~boils~~, ~~lint~~, shoots, roots, or leaves.

26. (Currently amended) The glyphosate tolerant cotton plant, or DNA-containing part thereof, of claim 22, wherein the cotton plant or part is heterozygous for the DNA EPSPS insert.

27. (Currently amended) The glyphosate tolerant cotton plant, or DNA-containing part thereof, of claim 22, wherein the cotton plant or part is homozygous for the DNA EPSPS insert.

28-32. (Cancelled)

33. (Currently amended) A transgenic seed of the plant of any one of claims 21-24 and 26-27 ~~26-32~~.

34. (Currently amended) A method of producing a [[an]] glyphosate tolerant cotton plant comprising:
(a) crossing the plant of any one of claims 21-24 and 26-27 ~~26-32~~ with another cotton plant; and
(b) selecting glyphosate tolerant progeny by analyzing for the presence of at least one nucleotide sequence selected from the group consisting of SEQ ID NO:1-4 and ~~SEQ ID NO:2~~.

35. (New) The method of claim 10, wherein the 5' and 3' junctions of the DNA insert with the cotton genomic DNA are further comprised of SEQ ID NO:3 and SEQ ID NO:4, respectively.
36. (New) The cotton plant of claim 16, wherein the 5' and 3' junctions of the DNA insert with the cotton genomic DNA are further comprised of SEQ ID NO:3 and SEQ ID NO:4, respectively.
37. (New) The glyphosate tolerant transgenic cotton plant, cell, tissue, or DNA-containing part thereof, of claim 21, which is identifiable by the presence of a nucleotide sequence comprised of SEQ ID NO:1 or SEQ ID NO:2.
38. (New) The method according to claim 10, wherein the second progeny plant is identifiable by the presence of a nucleotide sequence comprised of SEQ ID NO:1 or SEQ ID NO:2.